

1986—Pub. L. 99-628, §5(c)(1), substituted “individual” for “female” in section catchline.

Subsec. (a). Pub. L. 99-628, §5(c)(2)-(4), (6), substituted “individual” for “woman or girl”, “that individual” for “she”, “that individual’s” for “her”, and “that person’s” for “his” wherever appearing.

Subsec. (b). Pub. L. 99-628, §5(c)(5), substituted “that person” for “him” wherever appearing.

1970—Subsec. (b). Pub. L. 91-452 substituted provisions that no information contained in the statement or any evidence directly or indirectly derived from such information be used against any person making such statement in any criminal case, except a prosecution for perjury, giving a false statement, or otherwise failing to comply with this section, for provisions that no person be prosecuted or subjected to any penalty or forfeiture under any law of the United States for or on account of any transaction, etc., truthfully reported in his statement.

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-452 effective on sixtieth day following Oct. 15, 1970, and not to affect any immunity to which any individual is entitled under this section by reason of any testimony given before sixtieth day following Oct. 15, 1970, see section 260 of Pub. L. 91-452, set out as an Effective Date; Savings Provision note under section 6001 of this title.

ABOLITION OF IMMIGRATION AND NATURALIZATION SERVICE AND TRANSFER OF FUNCTIONS

For abolition of Immigration and Naturalization Service, transfer of functions, and treatment of related references, see note set out under section 1551 of Title 8, Aliens and Nationality.

§ 2425. Use of interstate facilities to transmit information about a minor

Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States, knowingly initiates the transmission of the name, address, telephone number, social security number, or electronic mail address of another individual, knowing that such other individual has not attained the age of 16 years, with the intent to entice, encourage, offer, or solicit any person to engage in any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title, imprisoned not more than 5 years, or both.

(Added Pub. L. 105-314, title I, §101(a), Oct. 30, 1998, 112 Stat. 2975.)

§ 2426. Repeat offenders

(a) **MAXIMUM TERM OF IMPRISONMENT.**—The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term of imprisonment otherwise provided by this chapter, unless section 3559(e) applies.

(b) **DEFINITIONS.**—In this section—

(1) the term “prior sex offense conviction” means a conviction for an offense—

(A) under this chapter, chapter 109A, or chapter 110; or

(B) under State law for an offense consisting of conduct that would have been an offense under a chapter referred to in paragraph (1) if the conduct had occurred within the special maritime and territorial jurisdiction of the United States; and

(2) the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 105-314, title I, §104(a), Oct. 30, 1998, 112 Stat. 2976; amended Pub. L. 108-21, title I, §106(b), Apr. 30, 2003, 117 Stat. 655.)

AMENDMENTS

2003—Subsec. (a). Pub. L. 108-21 inserted “, unless section 3559(e) applies” before period at end.

§ 2427. Inclusion of offenses relating to child pornography in definition of sexual activity for which any person can be charged with a criminal offense

In this chapter, the term “sexual activity for which any person can be charged with a criminal offense” includes the production of child pornography, as defined in section 2256(8).

(Added Pub. L. 105-314, title I, §105(a), Oct. 30, 1998, 112 Stat. 2977.)

CHAPTER 118—WAR CRIMES

Sec.

2441. War crimes.

AMENDMENTS

1996—Pub. L. 104-294, title VI, § 605(p)(2), Oct. 11, 1996, 110 Stat. 3510, redesignated item 2401 as 2441.

§ 2441. War crimes

(a) **OFFENSE.**—Whoever, whether inside or outside the United States, commits a war crime, in any of the circumstances described in subsection (b), shall be fined under this title or imprisoned for life or any term of years, or both, and if death results to the victim, shall also be subject to the penalty of death.

(b) **CIRCUMSTANCES.**—The circumstances referred to in subsection (a) are that the person committing such war crime or the victim of such war crime is a member of the Armed Forces of the United States or a national of the United States (as defined in section 101 of the Immigration and Nationality Act).

(c) **DEFINITION.**—As used in this section the term “war crime” means any conduct—

(1) defined as a grave breach in any of the international conventions signed at Geneva 12 August 1949, or any protocol to such convention to which the United States is a party;

(2) prohibited by Article 23, 25, 27, or 28 of the Annex to the Hague Convention IV, Respecting the Laws and Customs of War on Land, signed 18 October 1907;

(3) which constitutes a violation of common Article 3 of the international conventions signed at Geneva, 12 August 1949, or any protocol to such convention to which the United States is a party and which deals with non-international armed conflict; or

(4) of a person who, in relation to an armed conflict and contrary to the provisions of the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby-Traps and Other Devices as amended at Geneva on 3 May 1996 (Protocol II as amended on 3 May 1996), when the United States is a party to such Protocol, willfully kills or causes serious injury to civilians.

(Added Pub. L. 104-192, §2(a), Aug. 21, 1996, 110 Stat. 2104, §2401; renumbered §2441, Pub. L. 104-294, title VI, §605(p)(1), Oct. 11, 1996, 110 Stat. 3510; amended Pub. L. 105-118, title V, §583, Nov. 26, 1997, 111 Stat. 2436; Pub. L. 107-273, div. B, title IV, §4002(e)(7), Nov. 2, 2002, 116 Stat. 1810.)

REFERENCES IN TEXT

Section 101 of the Immigration and Nationality Act, referred to in subsec. (b), is classified to section 1101 of Title 8, Aliens and Nationality.

AMENDMENTS

2002—Subsecs. (a) to (c). Pub. L. 107-273 made technical correction to directory language of Pub. L. 105-118, §583. See 1997 Amendment notes below.

1997—Subsec. (a). Pub. L. 105-118, §583(1), as amended by Pub. L. 107-273, substituted “war crime” for “grave breach of the Geneva Conventions”.

Subsec. (b). Pub. L. 105-118, §583(2), as amended by Pub. L. 107-273, substituted “war crime” for “breach” in two places.

Subsec. (c). Pub. L. 105-118, §583(3), as amended by Pub. L. 107-273, amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows:

“(c) DEFINITIONS.—As used in this section, the term ‘grave breach of the Geneva Conventions’ means conduct defined as a grave breach in any of the international conventions relating to the laws of warfare signed at Geneva 12 August 1949 or any protocol to any such convention, to which the United States is a party.”

1996—Pub. L. 104-294 renumbered section 2401 of this title as this section.

EFFECTIVE DATE OF 2002 AMENDMENT

Pub. L. 107-273, div. B, title IV, §4002(e)(7), Nov. 2, 2002, 116 Stat. 1810, provided that the amendment made by section 4002(e)(7) is effective Nov. 26, 1997.

SHORT TITLE

Section 1 of Pub. L. 104-192 provided that: “This Act [enacting this chapter] may be cited as the ‘War Crimes Act of 1996’.”

CHAPTER 119—WIRE AND ELECTRONIC COMMUNICATIONS INTERCEPTION AND INTERCEPTION OF ORAL COMMUNICATIONS

Sec.	
2510.	Definitions.
2511.	Interception and disclosure of wire, oral, or electronic communications prohibited.
2512.	Manufacture, distribution, possession, and advertising of wire, oral, or electronic communication intercepting devices prohibited.
2513.	Confiscation of wire, oral, or electronic communication intercepting devices.
[2514.	Repealed.]
2515.	Prohibition of use as evidence of intercepted wire or oral communications.
2516.	Authorization for interception of wire, oral, or electronic communications.
2517.	Authorization for disclosure and use of intercepted wire, oral, or electronic communications.
2518.	Procedure for interception of wire, oral, or electronic communications.
2519.	Reports concerning intercepted wire, oral, or electronic communications.
2520.	Recovery of civil damages authorized.
2521.	Injunction against illegal interception.
2522.	Enforcement of the Communications Assistance for Law Enforcement Act.

AMENDMENTS

1994—Pub. L. 103-414, title II, §201(b)(3), Oct. 25, 1994, 108 Stat. 4290, added item 2522.

1988—Pub. L. 100-690, title VII, §7035, Nov. 18, 1988, 102 Stat. 4398, substituted “wire, oral, or electronic” for “wire or oral” in items 2511, 2512, 2513, 2516, 2517, 2518, and 2519.

1986—Pub. L. 99-508, title I, §§101(c)(2), 110(b), Oct. 21, 1986, 100 Stat. 1851, 1859, inserted “AND ELECTRONIC COMMUNICATIONS” in chapter heading and added item 2521.

1970—Pub. L. 91-452, title II, §227(b), Oct. 15, 1970, 84 Stat. 930, struck out item 2514 “Immunity of witnesses”, which section was repealed four years following the sixtieth day after Oct. 15, 1970.

1968—Pub. L. 90-351, title III, §802, June 19, 1968, 82 Stat. 212, added chapter 119 and items 2510 to 2520.

§ 2510. Definitions

As used in this chapter—

(1) “wire communication” means any aural transfer made in whole or in part through the use of facilities for the transmission of communications by the aid of wire, cable, or other like connection between the point of origin and the point of reception (including the use of such connection in a switching station) furnished or operated by any person engaged in providing or operating such facilities for the transmission of interstate or foreign communications or communications affecting interstate or foreign commerce;

(2) “oral communication” means any oral communication uttered by a person exhibiting an expectation that such communication is not subject to interception under circumstances justifying such expectation, but such term does not include any electronic communication;

(3) “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States;

(4) “intercept” means the aural or other acquisition of the contents of any wire, electronic, or oral communication through the use of any electronic, mechanical, or other device.¹

(5) “electronic, mechanical, or other device” means any device or apparatus which can be used to intercept a wire, oral, or electronic communication other than—

(a) any telephone or telegraph instrument, equipment or facility, or any component thereof, (i) furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by such subscriber or user for connection to the facilities of such service and used in the ordinary course of its business; or (ii) being used by a provider of wire or electronic communication service in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of his duties;

(b) a hearing aid or similar device being used to correct subnormal hearing to not better than normal;

(6) “person” means any employee, or agent of the United States or any State or political subdivision thereof, and any individual, part-

¹ So in original. The period probably should be a semicolon.